The Facebook, Inc. v. Connectu, LLC et al Doc. 242 Att. 2

EXHIBIT 2

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December 17, 2007

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VIA E-MAIL AND U.S. MAIL

Scott Mosko, Esq.
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Stanford Research Park
3300 Hillview Avenue
Palo Alto, CA 94304-1203

Re: *Facebook v. ConnectU et al.*, Case No. 1:05-CV-047381

Dear Scott:

We are in receipt of your letter dated December 14, 2007. You ask that Plaintiffs (a) agree to shorten the period of time for filing any response to Finnegan Henderson's anticipated motion to withdraw as counsel for Winston Williams; or, alternatively, (b) to stipulate that Mr. Williams may receive an extension of time, through and including a hearing on Finnegan Henderson's motion to withdraw, in which to respond to Interrogatories Nos. 3-4, as required by the Court's December 12, 2007 Order granting Plaintiffs' motion to compel.

While we regret that you have encountered communication problems with Mr. Williams, any withdrawal under the conditions you currently propose would prejudice Plaintiffs, who have been seeking the supplemental information for months. Therefore, we expect both Mr. Williams and Pacific Northwest Software ("PNS") to provide the supplemental information demanded by the Court on the date prescribed by the December 12, 2007 Order. Likewise, we expect both Mr. Williams and PNS to respond in timely fashion to the discovery requests that were served on each Defendant on November 21, 2007. Indeed, Mr. Williams and PNS both served interrogatory responses just last week, on December 10, 2007.

Contrary to what you indicate, Plaintiffs have informed Defendants for months that additional resources – such as consultation with Wayne Chang – existed from which both Mr. Williams and PNS possessed the ability to supplement their prior interrogatory responses. Moreover, all relevant and responsive information within the custody and control of PNS and Mr. Williams necessary for either Defendant to respond to the Court Order and the pending discovery requests should have been preserved for purposes of this litigation, and the Massachusetts litigation, long ago. Suffice it to say, therefore, Plaintiffs do not agree with your myriad characterizations of why none of these resources were consulted or relied upon until after Plaintiffs filed their Reply in Support of the Motion to Compel on November 14, 2007. Nor do we agree that Mr. Williams is the only person associated with PNS who understands its database, or the Importer, Crawler and Social Butterfly programs.

Mr. Williams executed a Declaration in Support of Defendants' Opposition to the Motion to Compel on November 7, 2007, and (as noted) Mr. Williams also responded to a further set of Interrogatories last Monday, on December 10, 2007. Therefore, in the absence of a Declaration specifying the break-down in communications with your client, it remains unclear to us why Mr. Williams' conduct renders it unreasonably difficult for the Finnegan Henderson to represent him effectively. Following your submission of such a Declaration, with the requisite assurances that Plaintiffs will not be prejudiced by counsel's withdrawal, we may reconsider our position and assent to such a request.

Very truly yours,

Monte Cooper /ts

Monte M.F. Cooper